

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-094721

08/12/2019

HONORABLE DAVID J. PALMER

CLERK OF THE COURT
K. Tiero
Deputy

WOODMAR I V ASSOCIATION INC

CLINT G GOODMAN

v.

PAUL S RUBIN INC

JAMES A ROBLES JR.

JUDGE PALMER

MINUTE ENTRY

Defendant Paul Rubin Management (“PRM”) filed its Motion for Clarification on May 16, 2019, with Plaintiff Woodmar IV Association (“Woodmar”) filing its Response on May 24, 2019 and PRM its Reply on June 4, 2019.

PRM seeks clarification on a Minute Entry order issued on April 29, 2019. That order was issued pursuant to a discovery dispute between the parties regarding the discovery and disclosure of data contained with PRM’s data files.

In that Minute Entry, the Court ordered that:

Woodmar be allowed to remove from PRM’s premises, Woodmar’s imaged copies of information taken from PRM’s computer servers, lap top and desk top computers and Quick Book files.

With respect to the issue of imaging the cell phones belonging to the owners of PRM, the court makes no orders in that regard at this time as that issue has not been briefed by the parties.

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(April 29, 2019 Under Advisement Ruling, p.2)

The Court notes the following discussion in that portion of the ruling that preceded the actual order:

From the statements made by counsel, it appears that there is agreement that the Woodmar has been granted the ability to copy all relevant data files from PRM's server through conducting an "imaging" of it. However, the parties disagree on whether such imaged material may be removed from the premises of PRM's facilities.

It is the understanding of the court that the imaged copies of the data would be provided to Woodmar with PRM retaining the original versions of that information. It is PRM's desire that it only be required to make the imaged material available to Woodmar's expert for review and inspection at the premises of PRM and that Woodmar only be allowed to examine that material with PRM's expert "looking over their shoulder." PRM cites privacy concerns regarding information of association members from other locations other than Woodmar.

Woodmar seeks to take the copies "imaged" from the PRM records, and be allowed to remove the copies they are entitled to from PRM's premises to a separate location, presumably their own business premises or that of their expert, for examination.

(April 29, 2019 Under Advisement Ruling, p. 1-2)

PRM's position, *inter alia*, in that previous dispute concerned the privacy of individual homeowners/association members, with the court expressly determining that the management company owed no duty to those folks.

PRM now seeks "clarification" of that order, specifically arguing that the Court should "clarify" the order to protect any attorney-client privileged information, an issue that has never been raised during the entirety of this case, and specifically not within the pleadings and arguments that framed the Court's April 29, 2019 order.

Based upon the pleadings of the parties filed with respect to the Motion for Clarification, the court makes the following ruling as it relates to the materials that PRM is to disclose to Woodmar pursuant to the previous order of the Court:

IT IS ORDERED that in the event Woodmar and its counsel receive a document that would reasonably be deemed as attorney-client privileged material, they are to stop reading it, make no use of it and notify opposing counsel.

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In all other respects, the Court's April 29, 2019 order remains unchanged.